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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,676	07/19/2001	Theodore L. Griggs	JANJA-00101	1515
7590	09/19/2006		EXAMINER	VU, NGOC K
David T. Yang, Esq. Morrison & Foerster LLP Suite 3500 555 West Fifth Street Los Angeles, CA 90013			ART UNIT	PAPER NUMBER
			2623	
			DATE MAILED: 09/19/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/909, 676

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

0060915

DATE MAILED:

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Commissioner for Patents

See attached.

REMARKS

The amendment filed on 7/17/2006 has received, however, the amendment is non-responsive for the following reasons:

- 1) The amendment filed on 4/14/06 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the previously examined claims were directed towards a system and method for identifying user preferences and generating a program schedule based on the acquired user preferences data and transmitting the redacted program schedule to the user. The newly presented claims are directed towards a system and method for remotely selecting a scheduled program and delivering the selected scheduled program to a predetermined receiver.
- 2) Applicant had filed a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Newly submitted claims 54-82 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Thus, applicant has switched inventions or shifted the inventions by way of an RCE.

Accordingly, claims 54-82 are withdrawn from consideration as being directed to a non-elected invention. The Examiner has no discretion to prosecute the newly presented claims 54-82.

Applicant may file a continuing application (a separate application) or divisional application under § 1.53(d) in order to prosecute the non-elected claims.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ngoc K. Vu
Primary Examiner
Art Unit 2623